

## REMARKS

Claims 10-15, 17-19 and 21 were pending in the above-identified application when last examined. Claims 10-15 and 21 stand allowed.

In the Office Action dated October 24, 2003, Claims 17-19 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,204,774 (Owen). Applicant respectfully traverses the rejection.

Claim 17 distinguishes over Owen at least by reciting, "a magnifying system positioned on an image side of the subsystem to magnify an image of the subsystem, wherein the magnifying system comprises a first negative lens, which has a negative focal length, and a second negative lens, which has a negative focal length." Owen fails to disclose or suggest a magnifying system positioned on the image side of a subsystem including aspheric lenses.

Owen is directed to night vision goggles and starting at column 4, line 4 describes operation of the goggles as follows: "The objective lens assembly 14 collects low intensity light from a scene and transmits it to image intensifier tube 16. Tube 16 intensifies the light received from objective lens assembly 14 and transmits the intensified light to the collimator assembly 18. Collimator assembly 18 collimates the light and transmits it to the pair of achromatic doublet lens assemblies 38. Lens assemblies 38 ... transmit the light to splitter member 34. Mirrors 35 of splitter member 34 reflect the light ... to objective lenses 62 within afocal telescopes 20." As noted by the Examiner the collimator assembly 18 contains negative focal length elements, but the collimator assembly 18 is on the object side of the afocal telescopes 20 that contain aspheric elements 62 and 64. Owen fails to disclose or suggest a magnifying system that is on the image side of a pair of aspheric lenses. Accordingly, claim 17 is patentable over Owen.

Claims 18 and 19 similarly recite, "a magnifying system positioned on an image side of the subsystem to magnify an image of the subsystem, wherein the magnifying system comprises a first negative lens, which has a negative focal length," and thus patentably distinguish over Owen for the reasons indicated above in regard to claim 17.

For the above reasons, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102.

In summary, claims 10-15, 17-19 and 21 were pending in the application. Claims 10-15 and 21 were allowed. This response amends claims 17-19. For the above reasons,

Applicant respectfully requests allowance of the application including claims 10-15, 17-19, and 21.

EXPRESS MAIL LABEL NO:

ER 527 535 475 US

Respectfully submitted,

*David Millers*

David Millers  
Reg. No. 37,396

RECEIVED  
FEB -4 2004  
TECHNOLOGY CENTER 2800

THE PATENT LAW OFFICES  
OF DAVID MILLERS  
6560 ASHFIELD COURT  
SAN JOSE, CA 95120  
PH: (408) 927-6700  
FX: (408) 927-6701